

Warsaw, Poland, 11.07.2017.

INFORMATION ABOUT AMENDMENTS TO THE TERMS OF REFERENCE AND TIME LIMIT FOR SUBMISSION OF TENDERS

Applies to: proceedings in an open tender on "Provision of services of searching for, recovering and documenting lost fishing nets in the Baltic Sea" description of the case (reference number): 02/06/17/MK/ID.

Acting pursuant to the 38 paragraph 4 of the Act of 29 January 2004 Public Procurement Law (Journal of Laws (Dziennik Ustaw) of 2015, as amended) the Contracting entity amends the content of the Terms of Reference in the following scope:

1) Paragraph 3.3. of the TERMS OF REFERENCE- Detailed description of the subject matter of the contract for Parts 4 and 5 shall be replaced by the following:

“For Part 4

Contractor shall perform underwater activities of cleaning 2 ship wrecks of residual fishing gear in the German waters of the Baltic Sea and shall perform underwater documentation of the carrying out the activities.

The Contractor must have a certificate (licence or other document) of underwater works' organiser and perform the subject matter of the contract in accordance with the regulations in force in Germany in the field of underwater work.

The Contractor as the organizer of the underwater works shall ensure for carrying out the contract the dive team consisting at least of the head of underwater works and two divers and shall provide the equipment necessary to remove from the shipwrecks the residual fishing gear and document the image of the seabed and the wrecks clean-up action.

Underwater services will be performed at a depth of up to 20 m.

In the framework of the implementation of the subject of the contract the Contractor shall, in particular:

- carry out underwater clean-up action of 2 wrecks from residual fishing nets in the designated locations in the German waters
- arrange with the Contracting entity the clean-up method of wrecks of the fishing nets
- document in photographs and film the underwater actions
- document all fishing gear and other wastes taken from the sea in accordance with the requirements of the monitoring sheet forming Annex 3 to the model agreement and forward documentation to the Contracting entity;
- provide written reports on each action, containing information on: the number of members of the crew, the date and time of the commencement of the action, the date and time of the completion of the action, the weather conditions, the date and time of casting/hauling fishing

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kit, quantities of hauled fishing kits, the length of the hauled nets, weight and type of recovered equipment, other observations;

- dispose of recovered fishing gear and other waste in accordance with the instructions of the Contracting entity and provide to the Contracting entity the confirmation of disposal.
- participate in the Marelitt Baltic project meetings devoted to the theme of nets recovery techniques from the shipwrecks (and travel and accommodation expenses shall be reimbursed separately by the Contracting entity, in addition to this contract).

For Part 5

The Contractor shall carry out underwater actions of clean-up of the residual fishing gear of 2 shipwrecks in the Polish waters and shall prepare underwater documentation of actions carried out in the indicated areas in the Polish economic zone.

The Contractor must have a certificate of underwater works organiser and perform the subject of the contract in accordance with the applicable provisions of the Act of 17 October 2003 on implementation of underwater works.

The Contractor as the organiser of the underwater works shall ensure for the performance of the contract the dive team consisting at least of the head of underwater works underwater and two divers and shall provide the equipment necessary to remove from the shipwrecks the residual fishing gear, including an underwater robot ROV and equipment to document image of the seabed and the wrecks' clean-up action.

Underwater services will be performed at a depth of up to 20 m.

In the framework of the implementation of the subject of the contract the Contractor shall, in particular:

- carry out underwater clean-up action of 2 wrecks of the residual fishing nets in the designated locations in the Polish waters
- carry out action to obtain an image of the underwater seabed in the locations designated by the Contracting entity, in the distance of max. 12 mm from the coast
- arrange with the Contracting entity the wrecks' clean-up method of the fishing nets
- document in photography and film the underwater actions
- document all fishing gear and other waste taken from the sea in accordance with the requirements of the monitoring sheet forming Annex 3 to the model agreement and forward documentation to the Contracting entity;
- provide written reports on each action, containing information on: the number of members of the crew, the date and time of the commencement of the action, the date and time of the completion of the action, the weather conditions, the date and time of casting/hauling fishing kit, quantities of hauled fishing kits, the length of the hauled nets, weight and the type of the recovered equipment, other observations;
- dispose of the recovered fishing gear and other waste in accordance with the instructions of the Contracting entity and provide to the Contracting entity the confirmation of disposal.
- participate in the Marelitt Baltic project meetings devoted to the theme of nets recovery techniques from shipwrecks (and travel and accommodation expenses shall be reimbursed separately by the Contracting entity, except of this contract)."

2) Paragraph 5.3.1 of the Terms of Reference shall be replaced by the following:

"5.3.1 The Contractor shall meet the condition concerning the competence or powers to carry out a specific professional activity referred to in paragraph 5.2.1. a) of the TERMS OF

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REFERENCE if it shows that is entitled to perform underwater works in accordance with applicable regulations and has a certificate (license or other document) issued respectively in accordance with the Polish law (part 5) or German law (part 4) to perform the functions of the underwater works organiser confirming compliance with the requirements in accordance with the regulations in force - condition applies only to the part 4 and 5.

The Contracting entity does not specify a condition for participation in the proceedings referred to in paragraph 5.2.1. (b). and TERMS OF REFERENCE for Part 1, 2 and 3."

3) Paragraph 5.3.3. of the TERMS OF REFERENCE for Parts 4 and 5 shall be replaced by the following:

"For Part 4

- a) in the last 5 years before the expiry of the deadline for the submission of tenders, and if the period of business is shorter-in this period, it participated in at least one project which consists of cleaning the shipwrecks of the residual fishing nets.
- b) has or will have the persons referred by the Contractor for the performance of a public contract - diving team comprising at least:
 - head of underwater works - having experience in underwater action on German waters of the Baltic Sea;
 - two professional divers - with experience in the performance of underwater action on German waters of the Baltic Sea;
- c) has at least the following equipment for carrying out the contract: equipment necessary to obtain underwater image of the seabed (and cameras and apparatus), crane of sufficient weight capacity for winding fishing nets and cables.

For Part 5

- a) in the last 5 years before the expiry of the deadline for the submission of tenders, and if the period of business is shorter-in this period, it participated in at least one project which consists of cleaning the shipwrecks of the nets.
- b) has or will have the persons referred by the contractor for the performance of a public contract - diving team comprising at least:
 - head of underwater works - having experience in underwater action on the Polish waters of the Baltic Sea;
 - two professional divers with experience in the implementation of the action underwater on the Polish waters of the Baltic Sea;
- c) has at least the following equipment to carry out the contract: equipment necessary to obtain underwater image of the seabed (underwater ROV Robot, cameras, apparatus), crane of sufficient weight capacity for winding fishing nets and cables "

4) The following point 6.1.A of the TERMS OF REFERENCE shall be added:

"6.1.A. In order to confirm compliance with the condition concerning the competence or powers to carry out a specific professional activity, in so far as this is due to the separate provisions, referred to in paragraph 5.3.1. of the TERMS OF REFERENCE, the contracting entity requests from the contractor a license, certificate or other evidence of the contractor's permission to act as organiser of the underwater works confirming compliance with the requirements in

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accordance with the applicable provisions, respectively, Polish or German - condition applies only to the Part 4 and 5. "

5) In paragraph 11.8 of the TERMS OF REFERENCE Contents of the offer the following entry is added:

"-a certificate, licence or other document of the organiser of underwater works - only for Parts 4 and 5"

6) Paragraph 12.1. b) of the TERMS OF REFERENCE shall be replaced by the following:

“ b) time limit for submitting tenders: until 17.07.2017 at 12:00 hours”

7) Paragraph 12.2. b) of the TERMS OF REFERENCE shall be replaced by the following:

“b) time limit for opening the tenders: on 17.07.2017 at 13:00 hours”.

8) In the par. 15.3 of the TERMS OF REFERENCE Principles of the criterion „Contractor’s personnel experience” (D) the following entry shall be added:

"NOTE: for the purposes of the tender evaluation criteria the Contractor may indicate other people than those indicated to confirm compliance with the condition referred to in paragraph 5.3.3 b) of the TERMS OF REFERENCE (indicated to the assessment in the criterion are the same as indicated for the fulfilment of the condition). In the case when the Contractor indicates another person – it shall receive 0 points in a given sub-criterion on designated person within the framework of the criterion of Experience of the Contractor's personnel."

9) Paragraph 15.3 of the TERMS OF REFERENCE Principles for the assessment of the criterion "Experience of the Contractor's personnel" (D) for part 4 and 5 shall be replaced by the following:

"For Part 4-5:

Personnel’s experience:

	Sub-criterion	Number of points
1.	Experience of a diver I in projects to remove lost fishing gear referred to by the number of projects in which he participated	Max. 20 points
	1 project	5 points
	2-3 projects	10 points
	More than 3 projects	20 points
2.	Experience the diver II in projects to remove lost fishing gear referred to by the number of projects in which he participated	Max. 20 points
	1 project	5 points
	2-3 projects	10 points
	More than 3 projects	20 points
3.	Experience the head of underwater works in the conduct of the action underwater for the removal of lost fishing	Max. 20 points

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	gear referred to by the number of projects in which he participated	
	1 PROJECT	5 points
	2-3 projects	10 points
	More than 3 projects	20 points

10) **Appendix No 5 to the TERMS OF REFERENCE – Model list of persons** – in the reading after amendment constitutes attachment No 1 to this letter.

11) **Appendix No 5A to the TERMS OF REFERENCE – Model list of personnel for the purposes of tenders assessment criterion** – in the reading after amendment constitutes attachment No 2 to this letter.

The remaining provisions of the Contract shall remain unchanged.

Kind regards,


PREZES ZARZĄDU

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Annex 1 to the letter on the amendment to the TERMS OF REFERENCE of 11.07.2017 r.

Appendix 5 – Model list of persons

Reference number attributed by the Contracting entity: **02/06/17/MK/ID**

1. The CONTRACTING ENTITY:

FOUNDATION WWF Poland

CONTRACTOR:

Item	The name(s) of the Contractor(s)	The address(es) of the, Contractor (s)

**THE LIST OF PERSONS,
REFERRED BY THE CONTRACTOR TO PERFORM THE CONTRACT**

I hereby submit the list to confirm the condition that I have or will I have the right people capable to complete the subject matter of the contract

No.	Name and surname of the person (Skipper of the cutter - for Parts 1-3 or Head of underwater works, Diver I and Diver II - for Part 4-5 Depending on the part of the contract for which the Contractor submits the tender)	Vocational Qualification	Work experience (please provide the experience in a way that allows verification of the years of experience, functions/activities performed at that time; periods of experience should be given in specific months and years starting experience and specific months and years the end of the experience, the type of underwater actions, on which waters)	Information about the basis to dispose of the person
1.				
2.				
3.				
Etc				

Professional qualification, experience and education of the persons concerned, that will participate in the performance of the contract, as shown in the table above, should be described in such a way enabling the Contracting entity to assess the fulfilment of the conditions of participation in the proceedings referred to in paragraph 5.3.3. Terms of Reference

Signature(s):

No	Name(s) Contractor(s)	Surname and first name of the person(s)	Signature(s) of the person(s)	Seal(s) of the Contractor(s)	Location and date

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		authorised to sign this tender on behalf of the Contractor(s)	authorised to sign this tender on behalf of the Contractor(s)		

Annex 2 to the letter on the amendment to the TERMS OF REFERENCE of 11.07.2017 r.

Appendix No 5a – Model list of personnel for the purposes of tender evaluation criterion.

Reference number attributed by the Contracting entity: **02/06/17/MK/ID**

1. THE CONTRACTING ENTITY:

FOUNDATION WWF Poland

CONTRACTOR:

Item	The name(s) of the Contractor(s)	The address(es) of the Contractor(s)

**LIST OF PERSONNEL
REFERRED BY THE CONTRACTOR TO PERFORM THE CONTRACT.
FOR THE PURPOSES OF TENDERS EVALUATION CRITERION**

I hereby submit the list in the scope of tenders evaluation confirming that the persons the Contractor has or will have at the disposal have the following experience:

No.	Name and surname of the person Skipper of the cutter/head of underwater works/Diver I and/ Diver II ¹	Work experience (please provide the experience in a way that enables the assignment of points in the criterion of experience, verification of the years of experience, functions/activities performed at this time; periods of experience should be given in specific months and years of starting the experience and specific months and years of ending the experience)
		For the experience of the skipper in the fisheries/ For the experience of diver I in the projects to remove lost fishing gear referred to by the number of projects in which he participated ²

¹ Depending on the part of the contract to which the contractor submits the tender, select adequate.

² Depending on the part of the contract to which the contractor submits the tender, select adequate entries in the entire table.

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		<p>For the experience of the skipper in projects to remove lost fishing gear referred to by the number of projects in which participated/</p> <p>For the experience of a diver II in projects to remove lost fishing gear referred to by the number of projects in which he participated.....</p>
		<p>For the experience of the skipper of fishing in the area covered by the given part of the contract, for which the contractor submits the tender /</p> <p>For the experience of the head of underwater works in conducting the action underwater to remove lost fishing gear referred to by the number of projects in which he participated</p> <p>.....</p>

NOTE:

The Contractor fills up respectively for the Part of the contract for which it submits the tender the information about the skipper of the cutter or a diver.

Professional qualification, experience and education of the persons concerned, that will participate in the performance of the contract, as shown in the table above, it should be described in such a way that the customer points in the criterion of Experience of the contractor's personnel referred to in paragraph 15.3 of the TERMS OF REFERENCE.

SIGNATURE(S):

No	Name(s) of Contractor(s)	Surname and first name of the person(s) authorised to sign this tender on behalf of the Contractor	Signature(s) of the person(s) authorised to sign the this tender on behalf of the Contractor(s)	Seal(s) of the Contractor(s)	Location and date
1)					
2)					